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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,049	11/30/2000	Hideo Okada	55437 (551)	2974
21874	7590	07/09/2004	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 07/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/727,049

Applicant(s)

OKADA ET AL.

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-8, 11, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson (US 6,650,831).

**[claim 6]**

In regard to claim 6, note that Thompson discloses a digital camera collection system comprising: a selling station for selling the camera (e.g. Figure 1, Item 14); a collecting station for collecting the sold camera (Figure 1, Item 10); an image data station for delivering the photographed image in the collected camera over a network (Figure 1, Item 10; c. 4, ll. 33-43); a personal computer capable of connecting to the image data station over the network; wherein the user who bought the camera views the photographed image by accessing the image data station through the personal computer (Figure 1, Item 18; c. 4, ll. 33-43; The office notes that a personal computer would inherently be used to connect to the image data station over the network). It is further noted that Thompson discloses that the camera can be a digital camera (c. 6, ll. 55-58).

**[claim 7]**

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In regard to claim 7, note that each camera has a unique access code, and the user accesses the image data station by using the access code (c. 3, l. 58 - c.4, l. 5).

**[claim 8]**

In regard to claim 8, note that the unique access code is provided to the digital camera in an invisible manner (i.e. stored in memory; c. 9, ll. 26-36).

**[claim 11]**

In regard to claim 11, note that Thompson discloses an image storage device comprising: an accepting device for accepting access from the use over the network (Figure 1, Item 10); a determination unit for determining whether the use is a proper user or not when the accepting device accepts the access (c. 7, l. 65 - c.8, l.54; The office notes that the disclosed password system inherent determines whether the user is a proper user by virtue of the entering of a correct or incorrect password by the user); and a transmitter for transmitting a prescribed photographed image to the user's receiving terminal as requested from the user, when the determination unit determines that he user is a proper user (Figure 1; c.6, l. 55 - c. 7, l. 12; The office notes that the user selects an image by entering the appropriate internet address).

**[claim 13]**

In regard to claim 13, note that Thompson discloses accepting access from the users according to a prescribed protocol (i.e. entering a specific password at a specific time)

**[claim 16]**

In regard to claim 16, note that Thompson discloses a method for viewing an image, comprising the steps of: causing a user to use a digital camera for storing an image as digital data; collecting the used digital camera; storing a photographed image of the collected digital camera in a prescribed image storage device on a network; and viewing the photographed image by the user by accessing the image storage device over the network by using access data that is unique to each digital camera (Figure 2; c. 2, l. 12 - c. 3, l. 30).

3. Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al. (US 6,337,712).

**[claim 1]**

In regard to claim 1, note that Shiota et al. (hereinafter referred to as Shiota) discloses a digital camera comprising: a memory for storing the photographed image data (e.g. c. 1, ll. 28-37); a transmitter for transmitting the photographed image data stored in the memory to a prescribed photographed image data storage device over a network (e.g. Figure 1), wherein the photographed image stored in the photographed image data storage device can be viewed by accessing the photographed image data storage device over the network by using access data that is unique to each digital camera (e.g. c. 7, ll. 53-58), wherein the photographed image stored in the photographed image data storage device can be viewed by accessing the photographed image data storage device over the network by using access data that is

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unique to each digital camera (e.g. c. 6, ll. 3-29; The office notes that the created new filename serves as the unique access information for the digital camera).

**[claim 16]**

In regard to claim 16, note that Shiota et al. discloses a method for viewing an image, comprising the steps of: causing a user to use a digital camera for storing an image as digital data; collecting the used digital camera; storing a photographed image of the collected digital camera in a prescribed image storage device on a network; and viewing the photographed image by the user by accessing the image storage device over the network by using access data that is unique to each digital camera (e.g. Figure 1; Figure 2; c. 5, l. 10 - c. 7, l. 58).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 6,650,831).

**[claim 1]**

In regard to claim 1, note that Thompson discloses a digital camera comprising: a memory for storing the photographed image data (c.7, ll. 27-37); a transmitter for transmitting the photographed image data stored in the memory to a prescribed

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photographed image data storage device over a network (c. 7, ll. 27-37), wherein the photographed image stored in the photographed image data storage device can be viewed by accessing the photographed image data storage device over the network by using access data that is unique to each digital camera (e.g. c. 8, ll. 10-64). Therefore, it can be seen that the digital camera of Thompson lacks an optical system and an image processing unit for processing an object received through the optical system. However, it is well known in the art to that digital cameras may include optical systems to adjust the camera's view of the scene to be photographed and image processing systems to enhance the taken images prior to storing the images on storing mediums (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an optical system and image processing system in the digital camera of Thompson.

**[claim 2]**

In regard to claim 2, note that the unique access code is provided to the digital camera in an invisible manner (i.e. stored in memory; c. 7, ll. 4-26; c. 9, ll. 26-36).

**[claim 3]**

In regard to claim 3, note that the digital camera includes a plurality of copies of the access data in an invisible manner (i.e. stored in memory; c.7, ll. 4-26 c. 8, ll. 10-64).

**[claim 4]**

In regard to claim 4, see claim 2.

**[claim 5]**

In regard to claim 5, note that the memory of the digital camera may store an identification code for specifying a selling area (i.e. store name) of the digital camera (c. 7, ll. 4-26; c. 8, ll. 10-30)

**[claim 10]**

6. In regard to claim 10, note that Thompson discloses an information terminal device for accessing over a network an image data storage device, the terminal device comprising: an access unit for accessing the image data storage device over the network by using access data that is unique to each digital camera (Figure 1, Item 18); an introducing unit for introducing (i.e. transmitting) a desired image from the image data storage device (Figure 1, Item 10); and a device for receiving the image introduced (i.e. transmitted) by the introducing (i.e. transmitting) unit (Figure 1, Item 18). Therefore, it can be seen that Thompson does not disclose a display device for displaying the introduced image. However, it is well known in the art to display images downloaded from network servers on display devices to allow the user to view the downloaded image (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a display device in the system of Thompson to allow the intended viewer to view the image.

**[claim 14]**

In regard to claim 14, note that Thompson discloses a photographed image storage device as claimed in claim 11. Therefore, it can be seen that Thompson lacks a determination unit for determining whether the access is from a prescribed user's receiving terminal or not. However it is well known in the art to restrict access to



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computer network resources (e.g. a server) to certain individuals based upon the IP addresses (i.e. a firewall) (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to restrict access to the images of Shiota stored on the image server to certain users based upon their IP address to keep the general public from accessing private pictures.

**[claim 15]**

In regard to claim 15, note that Thompson discloses an image display device for displaying data photographed by a user, the image display device comprising: an access unit for accessing the image data storage device over the network by using access data that is unique to each digital camera (Figure 1, Item 18); an introducing unit for introducing (i.e. transmitting) a desired image from the image data storage device (Figure 1, Item 10); and a device for receiving the image introduced (i.e. transmitted) by the introducing (i.e. transmitting) unit (Figure 1, Item 18). Therefore, it can be seen that Thompson does not disclose a display device for displaying the introduced image. However, it is well known in the art to display images downloaded from network servers on display devices to allow the user to view the downloaded image (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a display device in the system of Thompson to allow the intended viewer to view the image.

7. Claims 6, 9, 10, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US 6,337,712).

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**[claim 6]**

In regard to claim 6, note that Shiota discloses a collecting station for collecting the digital camera (Figure 2), an image data station for delivering the photographed image in the collected digital camera over a network (Figure 1; c. 7, ll. 53-58), a personal computer capable of connecting to the image data station over the network, wherein the user who bought the digital camera views the photographed image by accessing the image data station through the personal computer (c. 7, ll. 52-58). Therefore, it can be seen that Shiota lacks a selling station for selling the digital camera. However, it is well known in the art to sell digital cameras at retail locations (i.e. selling stations) in order to recoup the costs of producing the digital cameras (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to sell the digital camera of Shiota at a retail location in order to recoup the costs of producing the digital camera.

**[claim 9]**

In regard to claim 9, note that Shiota discloses all limitations except for a plurality of selling and collection stations which include display devices for displaying the delivered image. However, Shiota discloses a collection station including a display (Figure 2) which includes a display device for displaying images. Therefore, it can be seen that Shiota lacks a selling station including a display device.

However, it is well known in the art to sell items in unmanned selling station (e.g. a vending machine) to increase the availability of the item during non-business hours (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to make the coin-operated kiosk of Shiota capable of selling the digital camera in a vending machine like manner to increase the availability of the digital cameras during non-business hours. It can further be seen that Shiota lacks a plurality of the selling and collecting stations. However, it is noted that Shiota discloses placing the kiosk machines in a convenience store, vending machine or ATM of a bank (c. 6, ll. 54-64). It is noted that it is well known in the art to use multiple locations in order to provide access to the system to a large number of users (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of Shiota's kiosks to allow a large number of people to access the system conveniently.

**[claim 10]**

In regard to claim 10, note that Shiota discloses an information terminal device for accessing over a network an image data storage device, the terminal device comprising: an access unit for accessing the image data storage device over the network by using access data that is unique to each digital camera (Figure 1, Item 11); an introducing unit for introducing (i.e. transmitting) a desired image from the image data storage device (Figure 1, Item 6); and a device for receiving the image introduced (i.e. transmitted) by the introducing (i.e. transmitting) unit (Figure 1, Item 11). Therefore, it can be seen that Shiota does not disclose a display device for displaying the introduced image. However, it is well known in the art to display images downloaded from network servers on display devices to allow the user to view the downloaded image (Official Notice). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to include a display device in the system of Shiota to allow the intended viewer to view the image.

**[claim 11]**

In regard to claim 11, note that Shiota discloses an image storage device comprising: an accepting device for accepting access from the use over the network (Figure 1, Item 6); and a transmitter for transmitting a prescribed photographed image to the user's receiving terminal as requested from the user, when the determination unit determines that the user is a proper user (Figure 1, Item 8; c. 7, ll. 52-58; The office notes that the user selects an image by entering the appropriate filename). Therefore, it can be seen that Shiota lacks a determination unit for determining whether the user is a proper user or not when the accepting device accepts the access. However it is well known in the art to restrict access to computer network resources (e.g. a server) to certain individuals based upon the IP addresses (i.e. a firewall) (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to restrict access to the images of Shiota stored on the image server to certain users based upon their IP address to keep the general public from accessing private pictures.

**[claim 15]**

In regard to claim 10, note that Shiota discloses an information terminal device for accessing over a network an image data storage device, the terminal device comprising: an access unit for accessing the image data storage device over the network by using access data that is unique to each digital camera (Figure 1, Item 11);

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an introducing unit for introducing (i.e. transmitting) a desired image from the image data storage device (Figure 1, Item 6); and a device for receiving the image introduced (i.e. transmitted) by the introducing (i.e. transmitting) unit (Figure 1, Item 11). Therefore, it can be seen that Shiota does not disclose a display device for displaying the introduced image. However, it is well known in the art to display images downloaded from network servers on display devices to allow the user to view the downloaded image (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a display device in the system of Shiota to allow the intended viewer to view the image.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 6,650,831) in view of Shimizu et al. (US 6,005,936).

**[claim 12]**

In regard to claim 12, Thompson discloses all limitations except for a determination unit which further includes a determination unit for determining whether the digital camera has been disassembled or not.

Shimizu et al. (hereinafter referred to as Shimizu) discloses a system for verifying that an image has not been altered by encoding a hash value of the image using a public key encryption system (e.g. Abstract). Shimizu further discloses the use of a tamper-resistant module to determine if the digital camera has been tampered (i.e. dissembled) with in order to avoid illegal action by third parties (c. 6, ll. 51-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to include a tamper resistant module in the determination unit of Thompson to determine whether taken images have been modified.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in uploading pictures from a digital camera to a network server:

i.	Allen et al.	US 5,737,491
ii.	Safai et al.	US 6,167,469
iii.	Arai	US 6,642,959
iv.	Savitzky et al.	US 6,571,271
v.	Manolis et al.	US 6,583,799
vi.	Shih et al.	US 6,674,923

The following prior art further shows the current state of the art in content access control to network resources:


i.	Norris	US 6,718,328
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
6/25/2004

  
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